

GP1643

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): P. A. Billing-Medel *et al.*

Serial No.: 09/099,823

Filing Date: June 19, 1998

Title: REAGENTS AND METHODS
USEFUL FOR DETECTING
DISEASES OF THE BREAST

Docket No.: 6120.US.P1

Examiner: Not Yet Assigned

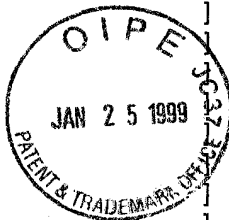
Group Art Unit: 1643

Certificate of Mailing Under 37 C.F.R. §1.8(a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231

Date of Deposit: January 20, 1999

Karen R. Smith 1/20/99
Karen R. Smith DateTRANSMITTAL LETTERThe Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Enclosed herewith is an Information Disclosure Statement of P. A. Billing-Medel *et al.* in the above-identified patent application entitled REAGENTS AND METHODS USEFUL FOR DETECTING DISEASES OF THE BREAST.Also enclosed are:
Form PTO-1449, in duplicate
Four (4) cited references as listed on Form PTO-1449
PCT International Search Report - PCT/US 98/12862
Return-Receipt Postcard

The Commissioner is hereby authorized to charge any additional Filing Fees required under 37 CFR 1.16, as well as any patent application processing fees under 37 CFR 1.17 associated with this communication for which full payment has not been tendered, to Deposit Account No. 01-0025. A duplicate copy of this sheet is enclosed.

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P. A. Billing-Medel *et al.*Cheryl L. Becker
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Attorney for Applicant(s)

CLB/krs/6120.US.P1/IDS/ Transmittal

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MATRIX CUSTOMER
SERVICE CENTER

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): P. A. Billing-Medel et al.

Serial No.: 09/099,823

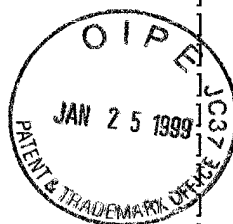
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Karen R. Smith Date

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)(3)The Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The following information is submitted pursuant to 37 C.F.R. §§1.97 and 1.98 in accordance with applicants' duty of disclosure under 37 C.F.R. §1.56. This submission is not an admission that the documents cited herein are prior art as to the invention claimed.

The references submitted are listed on the attached Form PTO-1449, and a copy of each is enclosed. Review is respectfully requested, and the Examiner is asked to place his/her initials next to each reference listed on the form to indicate that the reference was considered. Also enclosed is a copy of the PCT International Search Report dated October 12, 1998 (conducted by the ISA/EP) in corresponding International Application No. PCT/US 98/12862, in which the above references were cited.

Because this Information Disclosure Statement is being submitted before the mailing date of a first Office Action on the merits of the application, it is believed that, under 37 C.F.R. §1.97(b)(3), no fee is due in connection herewith.

Abbott Laboratories
D-377/AP6D-2
100 Abbott Park Road
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Telephone: (847) 935-1729
Facsimile: (847) 938-2623Respectfully submitted,
P. A. Billing-Medel et al.

Cheryl L. Becker
Cheryl L. Becker
Registration No. 35,441
Attorney for Applicant(s)



DATE: January 20, 1999 SHEET 1 of 1

Form PTO - 1449 (Modified)

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE (Modified) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) (37 CFR 1.98 (b))	ATTY. DOCKET NO.	SERIAL NO.
	6120.US.P1	09/099,823
	APPLICANT P. A. Billing-Medel <i>et al.</i>	
	FILING DATE	GROUP
	June 19, 1998	1643

U.S.PATENT DOCUMENTS

EXAMINER INITIAL	PATENT NUMBER	ISSUE DATE	PATENTEE	CLASS	SUB CLASS	FILING DATE

FOREIGN PATENT OR PUBLISHED FOREIGN PATENT APPLICATION

	DOCUMENT NUMBER	PUBLIC- ATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUB CLASS	TRANS- LATION
						YES NO
B-1	9 7 0 2 2 8 0	1/23/97	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

C-1	13-June 1997 Hillier L. et al.: "WashU-Merck EST Project 1997" - XP-002079078
C-2	16-May 1997 Hawkins T. L. et al.: "Genomic sequence from Human 9q34" - XP-002079079
C-3	13-June 1997 Hillier L. et al.: "WashU-Merck EST Project 1997" - XP-002079080

EXAMINER	DATE CONSIDERED

EXAMINER: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

(Form PTO-1449)



PATENT COOPERATION TREATY

PCT**INTERNATIONAL SEARCH REPORT**

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 6120.PC.01	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 98/12862	International filing date (day/month/year) 19/06/1998	(Earliest) Priority Date (day/month/year) 20/06/1997
Applicant ABBOTT LABORATORIES		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. ☒ **Certain claims were found unsearchable** (see Box I).

2. ☐ **Unity of invention is lacking** (see Box II).

3. ☒ The international application contains disclosure of a **nucleotide and/or amino acid sequence listing** and the international search was carried out on the basis of the sequence listing

☒ filed with the international application.

☐ furnished by the applicant separately from the international application,

☐ but not accompanied by a statement to the effect that it did not include matter going beyond the disclosure in the international application as filed.

☐ Transcribed by this Authority

4. With regard to the **title**, ☒ the text is approved as submitted by the applicant

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this International Search Report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is:

Figure No. 2 ☒ as suggested by the applicant.

☐ None of the figures.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

INTERNATIONAL SEARCH REPORT

international application No.

PCT/US 98/ 12862

Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
Remark: Although claims 31 and 32 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the compounds.
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims: it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 98/12862

A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 C12N15/12 C07K14/47 C12Q1/68 C12N15/85 C12N5/10
C07K16/18 G01N33/574

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 C12N C07K C12Q G01N

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	Emest8 Database entry Hs1255092 Accession number AA460323; 13th June 1997 HILLIER L. ET AL.: "WashU-Merck EST Project 1997" XP002079078 see the whole document ---	1-16, 30, 33, 35, 39
X	EmHum1 Database entry Hsac2098 Accession number AC002098; 16th May 1997 HAWKINS T.L. ET AL.: "Genomic sequence from human 9q34" XP002079079 see nucleotides 5690-5820 --- -/--	1-16, 30, 33, 35, 39



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents:

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

30 September 1998

Date of mailing of the international search report

12/10/1998

Name and mailing address of the ISA

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Authorized officer

Montero Lopez, B

INTERNATIONAL SEARCH REPORT

International Application No.

PCT/US 98/12862

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	Emhum8 Database entry Hs1255458 Accession number AA460385; 13th June 1997 HILLIER L. ET AL.: "WashU-Merck EST Project 1997" XP002079080 see the whole document ---	1-16, 30, 33, 35, 39
A	WO 97 02280 A (HUMAN GENOME SCIENCES, INC.) 23 January 1997 see the whole document -----	1-44

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 98/12862

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9702280 A	23-01-1997	AU 3092995 A EP 0851869 A	05-02-1997 08-07-1998
